

THE
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LIBERTIES
OR
ENGLAND

ASSERTED,

In Opposition to POPERY,
SLAVERY, and MODERN
INNOVATION.



L O N D O N :

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 OF
 ENGLAND
 ASSERTED, &c.

THE two great Things worth contending for in this World, are Religion and Liberty: For as without the Latter, the Life of Man would be much more unsupportable than now it is; so without the former all future Hopes must vanish at the Hour of Death, and the most Excellent Part of the Creation be level'd with the Beasts that perish.

'Tis the Christian Religion alone that can afford any tolerable Prospect beyond the Grave; and 'tis the Reformed Part alone that can give any reasonable Satisfaction of another Life; for whatever specious Promises the Church of *Rome*

may make in order to save Mens Souls, they will be found upon Examination no better than Quack Recipe's ; they are too cheap to be good. For if a little Attrition, Confession, and Absolution of the Priest, are sufficient to save a Man, the most profligate Wretch now living need not despair of Happiness.

The Reformed Religion, and particularly that Part of it, the Church of *England*, preach no such absurd Doctrines, they do not cheat Men at that rate, they bid them not depend upon this ; for without a Predisposition and other suitable Qualifications, they must never think of getting to Heaven.

Among the many Miseries that accompany the Loss of Liberty, that of Religion may be plac'd in the Front, at least the most essential Part of it : And this is seen not only in Popish Countries, but in others likewise, who have had the Misfortune to come under Arbitrary Government.

The Author of the Account of *Denmark* tells us, that the Clergy there, who are entirely dependant upon the Crown, have full Scope given them to be as bigotted as they please, which (he says) they are to a very great degree, having no common Charity for any that differ from them in Opinion, except the Church of *England*, and that meerly on a Temporal account, being very desirous, if they could, to raise their own Ecclesiasticks to the Splendor and Revenue of ours. He observes, that the People are absolutely govern'd by the Priests, that they keep them in awe by the Practice of Confession before they administer the Sacra-
ment,

ment, which every one that receives is oblig'd to undergo ; an old Popish Doctrine, which some have had the Confidence of late to preach up from our own Pulpits.

The same Author observing how difficult and unlikely a thing it is, for a People that have once lost their Freedom ever to regain it, says, That the antient Love of Liberty seems to be quite extinct in the North, and in its place to have succeeded a miserable Life, which jogs on with a Mixture of Ease and Melancholy ; in so much that he verily believes the Danes do now really love Servitude, and, like the Cappadocians of old, could not make use of Liberty, if it were offered them, but would throw it away if they had it, and resume their Chains. For as this ingenious Author farther remarks, ' Slavery, like a sickly Constitution, grows in time so habitual, that it seems no Burden nor Disease ; it creates a kind of Laziness and idle Despotency, which puts Men beyond Hopes and Fears ; it mortifies Ambition, Emulation, and other troublesome as well as active Qualities, which Liberty and Freedom beget ; and instead of them affords only a dull kind of Pleasure, of being careless and insensible.

If this be then the Case of those unhappy Wretches that are subjected to a Despotick Power, how can we of this Nation sufficiently value our own happy Constitution, who have had the good Fortune hitherto to preserve our Liberties and Religion, whilst the greatest Part of the World is subject to Slavery.

That we may still continue the same Free People we now are, I shall in the first place endea-

endeavour to shew what our *English Constitution* is, and in the next, who those are that have been the greatest Defenders or Betrayers of this excellent Form of Government. For altho' the first of these hath been sufficiently handled by many learned and judicious Writers, yet 'twill be always necessary to put some Men in Mind of what they are very ready and willing to forget.

The *English Government*, strictly speaking, is neither Monarchy, Aristocracy, nor Democracy, but a Constitution fram'd out of each of these, commonly known by the Name of a Mixt Government, or Limited Monarchy, and altho' some Men very wise in their own Conceits have affirm'd, There can be no Government but what must be one of the fore-mention'd. There be others more wise, that have proved the contrary; but there is little need of Argument, where Matter of Fact declares the Thing. The *Lacedemonian Constitution* was one of these sorts of mixt Governments, their Kings had no other than a limited Power, they were often call'd to Account, and sometimes put to Death for Male-administration. This Form of Government lasted the longest of any we read of, and had continued longer, had they not departed from the Maxims of their great Law-giver *Lycurgus*; but when Silver and Gold had found its way into their Country, Corruption followed upon it, which must in time destroy the wisest Constitution. *Plutarch*, who understood human Nature, and consulted the Good of Mankind, as much as any Man then living, seems to prefer the *Lacedemonian Government*

ment above all others: Our *English* Government differs much from that of *Lacedemon*, tho' theirs consisted of three States as well as ours, but their Laws were design'd to have been perpetual; whereas ours are chang'd upon every Occasion; besides, the Prerogative of our Kings is much greater than theirs, tho' not so great as some Men would have it; 'tis none of my present Design to state exactly what that is, but thus far I may venture to affirm, that no King of *England* can make abrogate, or alter any Law of the Realm, without the Advice and Consent of the other two States. This I take to be the Foundation of that Saying, *The King can do no Wrong*; that is, he has no Right invested in him to wrong any Man, but is oblig'd by Law as well as Conscience, to govern and conform himself to the Laws of his Kingdom.

And to shew this is no new Doctrine, I shall set down some few of the best Authorities to the present Purpose.

In the first Place then, I shall recite the Declaration of the Lords and Commons, 10th Rich. 2. in their Message to the King then at *Eltham*. *Knyghton*, Pag. 2683.

Domine Rex,

Set & unum aliud de nuncio nostro super est nobis ex parte populi vestri vobis intimare. Habent enim ex antiquo statuto & de facto non longe retroactis temporibus experienter quod dolendum est habito, si Rex maligno consilio quoconque, vel ineptia contumacia aut contemptu, seu proterva voluntate singulari, aut quovis modo irregulari, se alienaverit, à Populo suo, nec voluerit per Jura Regni & Statuta & Laudabiles

dabiles Ordinationes, cum salubri consilio Dominorum & Procerum Regni gubernari & regulari; set capitulo in suis insanis consilits propriam voluntatem suam singularem proterve exercere; ex tunc licitum est eis cum communi assensu & consensu Populi Regni, ipsum regem de regali solio abrogare, & propinquorem aliquem de stripe Regia, loco ejus in Regni solio Sublimare.

Our Lord the King.

But there is moreover one part of our Message still left to acquaint you withal, in the Name of your People. They have it by ancient Statute, and by a late doleful Instance, that in case the King shall alienate himself from his People by any bad Advice whatsoever, or foolish Contumacy or Contempt, or Self-will, or any other irregular way; and will not be govern'd and ruled by the Laws, Statutes and laudable Ordinances of the Realm, with the wholesome Advice of the Lords, and Peers of the Realm; but in a headstrong way will exercise his own Self-will; from thence forward it is lawful for them, with the common Assent and Consent of the People of the Realm, to depose the King from the Regal Throne, and to promote some Kinsman of his of the Royal Family, to the Throne of the Kingdom in his stead.

And though this (as a learned and ingenious Author observes) should be a sort of a Scare-Crow Doctrine to the Passive-Obedience Men, he nevertheless affirms, 'tis the Tenor of all Antiquity: ' It is the Doctrine of the Mirror in very many places: It is the Doctrine of the Se-

‘ Seventeenth Chapter of King Edward the Confessor’s Laws. It is the Sense of King Alfred’s Stile, *Dei Gratia & benevolentia West-Saxonica Gentis.* That he was King by the Favour of God, and the Good-will of the English Nation. It is the Doctrine of the great Lawyers since the Norman King; as particularly Bracton: *Rex autem habet superiorem Deum; Item legem per quam factus est Rex; Item curiam suam; Videlicet, Comites, Barones, qui Comites dicuntur quasi socii Regis; & qui habet socium habet Magistrum, & ideo si Rex fuerit sine fræno, i. e. sine lege, debent ei frænum ponere, nisi ipsimet fuerint cum rege sine fræno, & tunc clamabunt subditi & dicent, Domine Jesu Christe in Chamo & fræno maxillas eorum constringe, ad quos Dominus, vocabo super eos gentem robustam, & longinquam & ignotam, cuius linguam ignorabunt, quæ destruet eos, & evellet radices eorum de terra & à talibus judicabuntur, quia subditos noluerunt juste judicare, & in fine, ligatis manibus & pedibus eorum, mittet eos in caminum ignis & tenebras exteriores, ubi erit fletus, & stridor dentium.* Bracton. Lib. 2. Cap. 16. Sect 3.

‘ The King hath three Superiors, God, and the Law, by which he is made King; and his Court, namely Earls and Barons, because they are called Comites, as being the Companions of the King; and he that hath a Companion, hath a Master: and therefore if the King shall be unbridled, that is, lawless, they ought to bridle him, unless they themselves with their King shall be unbridled and lawless too; and then the Subject shall cry out and say, Lord Jesus Christ hold in their Jaws with Bit and Bridle: to whom the Lord shall say,

' I will bring in upon them a robustious, and
 ' foreign, and unknown Nation, whose Lan-
 ' guage they shall not understand ; which Na-
 ' tion shall destroy them, and shall pluck up the
 ' Roots of them from the Earth ; and by such
 ' they themselves shall be judged, because they
 ' would not justly judge the *English Subjects*.
 ' And in Conclusion, being bound hand and
 ' foot, the Lord shall throw them into a Fur-
 ' nace of Fire, and outer Darkness, where there
 ' shall be weeping and gnashing of Teeth.

This Doctrine is likewise agreeable to *Forescue*, who says, That *the People are the Fountain of Power*, in that Expression, *Rex à Populo potestatem effluxam habet*. And that in another place he says, *That an Arbitrary Power to oppress the Subjects, could not proceed from the People themselves ; and yet if it had not been from themselves, such a King as the King of England could have had no manner of Power at all over them*. Sir *William Temple* says much to the same Purpose, That *the Basis of Government is the People*, though the King be at the Top of it ; and to found the Government upon a King, is to invert the Pyramid, and set it upon the Pinacle, where 'twill be somewhat difficult to make it stand.

I shall make use but of one Authority more, to make good what has been asserted, and I think, after that, I shall need no other, and that is the Preamble of all Acts of Parliament, down to this Day ; where 'tis said, *Be it enacted by the King's or Queen's most Excellent Majesty, with Advice and Consent of the Lord's Spiritual and Temporal, and Commons in Parliament assembled, and by the Authority of the same*, where I desire it may be

taken notice, that the Word Authority is applied to the Lords and Commons in like manner as to the Prince.

By what has been said, it appears plainly that ours is a Limited Monarchy, and that the Subjects are a free-born People. And let no Sycophant-Court-Parasite henceforward, presume to tell his Prince, that this Doctrine is a Diminution of his Regal Dignity, but rather let him know 'tis an Honour to an *English* King to govern such a People. I cannot better conclude this Head, than with a Saying of an excellent Author, who lived and died a true *Englishman*, and was a very great Sufferer for the Truth ;

' I would scorn (says he) to be the Prince of a
 ' Passive-Obedience-Nation, it degrades a
 ' King, and gives him the meanest Office in the
 ' World, and the most dishonourable Employ-
 ' ment ; for whereas a Herdsman and a Mule-
 ' teer are mean Callings, because they only
 ' govern Cattle : So a King, because he go-
 ' verns a vast Number of Men like himself, brave,
 ' wise, and free, is in the most exalted Station
 ' that is upon Earth ; he is King of Kings, and
 ' is served by Princes. But to wish they were
 ' a venal or a servile People, is as if a Lord
 ' Mayor should choose to be Common-Hunt.

Were it not foreign to my present Purpose, I did not doubt to make it appear, that the most ancient as well as best Forms of Governments, have been Limited Monarchies, but 'tis sufficient I have prov'd our own to be such ; I shall therefore in the second Place consider whether the Principles and Practices of those they call *Whigg* or *Tory*, (which was indeed the chief Design of

this Paper) have most contributed to the supporting or Destruction of this excellent Constitution.

In order to this, 'twill be necessary to look a little backward, but I shall go no farther than the beginning of the last Civil Wars, and who-soever remembers, or has read the Transactions of those Times, even those Histories that have been penn'd most favourable on the Royal-side, cannot but confess that unhappy Prince, *Charles I.* had the Misfortune to fall into the Hands of ver-y evil Counsellours ; I do believe the King in his own Nature to have been a very just as well as pious Prince ; and if one half of what has been said of him be true, he had certainly more Religion than most of the Princes of this World have had, either before or since : Whence then came that notorious Breach of our Constitution ? For that there was such a Breach 'tis manifest, for what can more effectually destroy your Settlement, than the raising Money without Consent of Parliament, and the imprisoning the Subject, contrary to all Form of Law : You will say the King was ill advis'd, I believe so too, it remains then, that we inquire who those Persons were that gave this pernicious Advice ; I care not to rake into the Ashes of the Dead, or by naming Names to disturb the Families of the Living ; but this I will say negatively, they could not be Men of those Principles that are now called *Whiggs*, because those were the Persons that had often address'd (tho' in vain) for Remedies against these Grievances, and were likewise the Persons who chiefly felt the Weight of these irregular Proceedings, and when all other Me-thods

thods fail'd, were compell'd to repel Force by Force. Far be it from me, that I should pretend to justify that bloody Catastrophe; nor did I ever yet discourse with any one that did, I am, at the same time, as far from thinking that those who first took up Arms for Defence of their Laws and Countrey, did ever design the Matter to have ended as it did. The best Information I can have, is, that the Body of the Nation had little or no hand in it, and that the whole was brought about by a Faction in the Army, of which the Usurper *Cromwell* was the Head, and likewise that the Popish and *French* Council had no small Influence.

Thus I have in as few Words, and as modestly as I could, pointed out to you, who those were that occasion'd a Breach in our Constitution, and consequently to whom (if to any part of the Nation) must be imputed that detested Fact, which has occasion'd the Thirtieth of *January* to be a Day of Fasting. I have but one Word more to add on this melancholly Subject, because I would willingly get quit of it as soon as I could; and that is, that since that pious Prince has long since entred into his Rest, and that all are long since dead, who had any hand, or were any way consenting to that bloody Act: That the *Boutifeus* of that Day would suffer us to be a little at rest too, and not make use of it as an Occasion to inflame the Nation, and to promote endless Animosities.

In the Reign of *Charles II.* many Irregularities were committed, and 'tis very well known who were his Counsellors; he once granted a Liberty of Conscience, as his Brother *James* did after

ter him, without any Form of Law, and revok'd it in as little time, as the other I presume design'd his to have lasted. In this King's Reign the Power of *France* grew to that exorbitant Height, that it has since cost this Nation, and other Nations of the World, more Millions, and Blood that can well be counted. And God a-lone knows what the final Issue may still be. This King had never any about him that I could hear of, but Tories and Papists; a Whigg in those Days serv'd for nothing else but to be hang'd. In his long pensionary Parliament, a poor Whigg could not get a Groat, whilst others came as naturally for their Pensions as Beasts to a Crib. Yet to their Honour must it be spoken, they would not let their Prince raise Money without their Consent, but whether private Views, or the publick Welfare, had the greatest Prevalency in this Resolution, I leave it to others to determine. I shall make but one Remark more on the Reign I am now upon; and that is, that when the Whiggs in order to preserve our Church and Constitution, had prepar'd a Bill to exclude a Popish Successor, the Tories would not suffer it to pass, which might have prevented many succeeding Calamities, as well as the Murder of my Lord *Russell*.

James the Second acted not with that Cau-tion and Policy his Predecessor had done; for whereas the Court of the former was made up chiefly of Tories, and a little sprinkling of Papists, the latter consisted chiefly of Papists; consequently the Mask is now taken off, and every Body sees what the wisest Part of the Nation saw long before, nevertheless Passive-Obe-

Obedience is still preach'd up, which had its Rise in the preceding Reign. But before we come to speak of this lately reviv'd Doctrine, it may not be amiss to enquire into the Conduct of the Clergy, so far as we are already gone, and examine how agreeable it has been to our Constitution. 'Twill be necessary thereunto to return back to the Place where I began, that is to say, the Reign of *Charles the First*; and there we shall find the Illegalities of those Times preach'd up and justified by *Sibthorp* and *Manwaring*, the *S. —— ls.* of those Days. Whatever Preferments these Men might afterwards arrive to, 'tis plain their Doctrines were contrary to the fundamental Laws of the Kingdom.

Before we proceed farther, 'twill be necessary to take notice, that the Clergy have their Divisions, Nick-names and Appellations, as well as the Laity; such as High and Low, Violent and Moderate, and sometimes worse than any of these: But let that pass as they shall think fit; for my part, I have no other Names to distinguish them, but by Orthodox and Heterodox; for how Orthodox soever a Man may be in respect of his Divine Qualifications, if such an one shall advance Doctrines contrary to the Laws of the Realm, and destructive to the Constitution, I shall make bold to tell him, he is therein Heterodox.

One would have thought, that after all that Blood and Confusion that these Doctrines in a great measure occasion'd in the late troublesome Times, they would never have been revived again; but alas! Man is a short-sighted Animal, tho' he fancies he foresees every thing, 'tis plain he

he knows not what a Day may bring forth. All I can say to the Matter is, that if Promotion com-*eth* neither from the *East*, nor from the *West*, nor from the *South*, Men will be apt to look to that Point of the Heavens from whence it may arise. Thus the exploded Doctrines in *Charles the First's Reign*, are again set on foot in *Charles the Second's*; and having slept for some time, and being a little refresh'd, they awake and rise again with greater Strength and Vigour.

The famous Dr. *Hicks*, about the Year 83, in his *Jovian*, is pleas'd to lodge in the King the whole Legislative, or the Power that makes any Form of Words a Law. He says, ' The Sovereign Power may indeed be limited as to the Exercise of this Legislative Power, which may be confin'd to Bills and Writings prepared by others; but still it is the Sovereign Authority who gives Life and Soul to the dead Letter of them *'. This (as an Ingenious Author observes) is as much as to say, the King alone makes Laws, and the two Houses only find Stuff.

Dr. *Womack*, in his *Short way to a lasting Settlement*, the Design of which was, to out the two Houses from having any Share, or Authoritative Hand, as he calls it, in making the Laws, and was shortly after made a Bishop for his good Service, has this notable Expression: ' The Houses, you say, have a Hand in the Legislation; so hath the Beggar in my Alms. My foremention'd Author observes how falsely this odious Comparison is applied: for even the Coronation-Oath acknowledges that the Laws

* *Jovian*, p. 202.

of *England* are of the Folks choosing ; and it is certain Beggars are no Choosers.

But these Gentlemen are not content to destroy the Legislative, unless they can make Slaves of the rest of their Fellow-Subjects : For the same *Jovian* says, ‘ You must be just such defenceless Wretches under the irresistible Power of the Sovereign and his Forces, as the *Roman* Slaves were under the Sovereign and unaccountable Power of their Masters. You must be Slaves as to this Particular ; you must trust your Lives and Liberties with your Sovereign : And therefore the Passive Behaviour taught by St. Peter to the *Roman* Slaves, is your Duty -- You must be Passive-obedient, even to Death, by virtue both of the Imperial Laws, and the Laws of the Gospel. — He that useth the Sword, shall perish by the Sword, not to resist under the specious Pretext of Self-defence. — Let them do so at their Peril ; they may be legally hanged for it in this World, and (without Repentance) will be damned for it in that which is to come.

This is the true Doctrine of Passive-Obedience, and as People like it, let ‘em make much of it. This was the Doctrine that Dr. *Ball* us’d to lispe out in his Court-Sermons ; Lives and Estates, Wives and Children, all things were *Thætbar*’s ; all we had was *Thætbar*’s, and therefore we were to render all to *Thætbar*.

It seems the Prior of Clerkenwell was of another Opinion in the Time of *Henry the Third*, when in a Dispute about a Point of Right the King meant to overawe him, by saying in King *James*’s way to the *Magdalen College* Men, Am

not I your King ? Yes, says he, while you govern according to Law, but no longer.

The Clergy, who had tasted the Sweet of this Doctrine, ran away full Cry with it down to the latter End of *James* the Second, when they happen'd to meet with an unfortunate Rub, which had well nigh for ever ruin'd this goodly Fabrick. I hate long Stories, especially when I am relating what the greatest part now alive cannot but remember. The short of the Matter then was this, the Clergy having expressly promis'd King *James* to inculcate Passive Obedience upon all his Subjects, and thereby to bind the Nation Hand and Foot. This King never dreamt the Clergy had any Design to exempt themselves from a Doctrine so universally deliver'd ; accordingly he began where most reasonably he ought, not doubting but they were ready to practise what they had so freely preach'd : But when the Bishops were sent to the Tower for not causing the Declaration for Liberty of Conscience to be read in their Churches, as contrary to Law ; and when the *Magdalene College* Men were turn'd a grazing for disobeying the Royal Mandate, then those who a little before had taught Obedience to Death, began now by degrees to instruct us how to resist. The truth on't is, there was a double Mistake in this Affair ; King *James* did not rightly understand them, and they were as much mistaken in him ; for they never design'd this oppressive Doctrine should fall any where but on the Laity. As one wittily enough observes, ' That after they had made him believe that they were Passive to Death, and Loyal to the Death,

' Death, when the Burden of their own ill-
 ' contrived Oppression came home to themselves,
 ' and touch'd but one of their Fingers, they soon
 ' let him understand, that they had given him
 ' only a spiritual Kingdom, and not a Kingdom
 ' of this World : *For if his Kingdom had been of
this World, then would his Servants have fought
for him.* But so they deluded and parted with
 ' their Passive Obedience King. For (says this
 ' Excellent Author) Passive Obedience is cal-
 ' culated only for Tyranny : Suffering under
 ' Arbitrary and Illegal Commands and Orders
 ' cannot take place in a legal Government, nei-
 ' ther is there room for any such thing. Till
 ' Passive Obedience has either found or made a
 ' Tyranny, it can never be a Duty ; nor then
 ' neither, for Tyranny is not Government, but
 ' the Destruction of it.

Those who have perverted Scripture, in or-
 der to uphold these Slavish Tenents, have been
 fully answered by some of our best and ablest
 Divines. As to my own Opinion, I take it,
 that to talk seriously with these Gentlemen,
 would be a Jest, since 'tis evident they have
 made a Jest of their own Doctrine. If by Pas-
 sive Obedience they mean a Subjection to ~~the~~
 Laws of the Land, we are ready to shake Hands
 with them, and there's an End put to all farther
 Disputes ; but if they mean a Subjection to the
 Arbitrary Will of the Prince, I would advise
 their Hearers to beware of them, and consider
 whether 'twould not be proper to imitate the
 Practice of the Bear-Garden, when a Sham-
 Prize is fought, and cry out, a Cheat, a Cheat ;
 for 'tis evident beyond all Controversy, that

these Gentlemen have no design to hurt one another. Besides, if the Case be thus, that I must be made a Slave of, why may not I claim the Privilege of selling my self, as has been the Practice of some miserable Wretches, to our foreign Plantations ? Then 'tis an *Act* of my own : But to be made a Piece of Merchandize of by the Policy of a crafty Priest, who shall sneak off, and make himself merry with the Money, is such an Indignity offer'd to Humanity, as is beyond the Patience of Man to undergo.

Having made this little Digression (which I hope has not been altogether impertinent) I shall return back to King *James* : We shall find this unhappy Prince not secretly undermining, but with a bare Face overturning and rooting up the very Foundation of our Constitution ; an unheard of Court (till now) is erected to dispence with such Laws that may be any Let or Impediment to his Majesty's Designs ; there is now no farther need of Parliaments, for the same Power that can abrogate old Laws, may with as good Authority make new ones ; and if any thing else be wanting, there lies an Army at *Hounslow Heath*, that shall make good all other Defects. I would not do that Injustice to the Papists, to say they were the only Persons that put the King upon these Measures, I fear there were too many Protestants (if they deserve that Name) concerned in it. If any Man questions the Truth of what I say, let him look back to *Act 1st of William and Mary*, which declares the Rights and Liberties of the Subject, and there he will find these Words : *Whereas the late*

late King James the Second, by the Assistance of divers evil Counsellors, Judges and Ministers employed by him, did endeavour to subvert and extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom, &c. Which is there made out by an Enumeration of sundry Particulars.

Now 'tis certain the Lord Chancellor Jefferies, and the rest who were in that Ecclesiastical Commission, were not accounted Papists, and I am pretty confident they were not *Whigs*, and unless the *Tories* will take them, I know none else will own them.

The violent Proceedings of that Prince in a little time brought on that happy Revolution, which all good and pious Men, who have any Sense of their Country's Welfare, commemorate to this day with the utmost Expressions of Gratitude to God, and Obligation to their Benefactors. As for such who have neither God nor the Good of their Country in all their Thoughts, I have nothing to say to such abandon'd Wretches.

This Revolution of State occasion'd likewise a Revolution of some Mens Principles, which may be well worth while the enquiring into. King James's Conduct, especially that part of it which related to the Church (which some People called beginning at the House of God) had alarm'd all the *Tory* Party throughout the Kingdom; as for the *Whigs*, they were not at all surpriz'd, 'twas no more than they had long expected, and would have prevented long before, if the *Tories* would have given them leave; knowing well that the Duke of York, by embracing the Popish Religion, had abdicated the Government before

before ever he succeeded to it. But as I was saying, the *Tories* being thus alarm'd, began to look out for Help where-ever they could find it; for as it hath been before observ'd, they had no manner of Inclination to exercise the Doctrines they had so long maintain'd. 'Tis very well known what the late Bishop of *London* did on this Occasion, to his immortal Honour be it spoken. And there was a certain Temporal Passive-Obedience Lord, whom I should have been glad to have accompanied into the West, had I been of this side the Water, and I believe should have never repented of what I had done. But according to the old *Italian* Proverb, *Passato il malo, gabbato il santo.* So it prov'd in this case, and those who were very desirous of the Prince of *Orange*'s coming to save them, were now (the Weather appearing a little fair) as solicitous how to send him away back again. In order to this, for a present Expedient, a Regency is propos'd; a thing altogether so novel and inconsistent with the *English* Constitution, that no Body could imagine what the Proposers meant, unless it were in order to have their old Master back again. Those worthy Patriots who set the Crown on the Heads of the Prince and Princess of *Orange*, knew better things; they had seen and felt too much of the former Administration, to be fob'd off with so impracticable a Scheme; and thereupon, after mature Deliberation, having reckon'd up the several Miscarriages of the said King, declare farther, that *Whereas the late King James the Second, having abdicated the Government, the Throne was thereby become vacant.*

I desire it may be here observ'd, That there is a wide difference betwixt Desertion and Abdication. I make this Remark, because some ingenious Gentlemen of late (to shew their Parts, or something worse) have endeavoured to confound one with the other. A meer Desertion cannot give any immediate Authority to set another on the Throne, because the Statutes of the Realm do ordain, that upon such Desertion, the King shall be sent to and invited to return back to his former Government, and at least forty Days is allow'd him for that purpose; and till that Time be expired, I do not see how any other can lawfully be put in his place: But Abdication is a thing of a quite different nature, and this is what those who chose it knew very well. For tho' the Word was somewhat new to us, till upon this Occasion; the antient Writers were well acquainted with it. I shall recite a Passage out of *Tully*, which will make this Matter evident: In his third *Philippick*, speaking of *Mark Anthony's* offering a Crown to *Cæsar*, says, *Eo die non modo Consulatu, sed etiam Libertate se abdicavit; esset enim ipsi certè statim serviendum, si Cæsar ab eo regni insigne accipere voluisset.* "At "that time he not only abdicated his Consul- "ship, but his Liberty; for if *Cæsar* would "have accepted the Crown, *Mark Anthony* must "presently have turned Slave. Now (as a cer- tain Author well remarks) *Mark Anthony* by this Action did not expressly renounce his Consulship or Liberty, or run away from both of them, but he did that which was inconsistent with them both, *He forfeited them both*; which is the true Import of that Phrase.

If

If it were lawful to dive into this mysterious Part of the Tory's Conduct ; possibly a Man without any great Difficulty might fathom the Bottom. It may be consider'd, the Clergy had now pretty well recover'd out of the Fright King *James* had put them into. They had now Leisure to look backward, as well as forward. If they cast an Eye backward, they beheld those glorious Days, when the penal Laws were in force against Protestant Dissenters, whilst the Church had Power to punish obstinate Separatists. If they look forward, the least they can expect, is a Toleration establish'd by Law ; so that no more Grift is like to come to Mill by Offences of that kind. This was so terrible a Mortification to those of *Doctors Commons*, they could never bare the Sound of Revolution with any tolerable Patience ; and I am informed, there was one Doctor that got at least a thousand Pounds a Year by the Sins of Schismaticks.

As for the Lay-Tories, they found themselves in Danger, not only of being shut out of Preferments for the future, but likewise to be call'd to Account for their past Conduct ; but as it fell out, they were more afraid than hurt, to the great Prejudice of the Publick, as well as the Injustice done themselves ; for I humbly conceive, if some exemplary Punishment had been conferr'd on some of the capital Offenders, Things might have look'd with a more favourable Aspect to succeeding Generations, for as Doctor *Sacheverell* well observes, there must be *wholsome Severities* to make some People learn their Duty. Thus *Gideon* thought fit to make use

use of *Briars and Thorns*, to teach the Men of *Succoth*, *Judges 8. 16.*

The Passive-Obedience-Men were not a little confounded how to make the Revolution suit with their late Pulpit-Doctrines, such as unalterable Succession, Indefeasibleness, and Unaccountableness of Princes, and the rest of their Jargon ; so that 'twas fear'd they would not comply nor swear to the Government, and so must leave their Places, and that thereupon would ensue a Famine of the Word, which some thought would not have been much more pernicious than the false Glosses which had been made on the Bible ; but they found Expedients, and the Oaths were swallowed both by Clergy and Laity, a few squeamish Consciences only excepted.

The Crown thus settled by Right of Parliament on King *William* and Queen *Mary*, and in default of their Issue, on the Princess *Anne* of *Denmark*, our present rightful and lawful Queen, (whom God long preserve) the Tories were pleas'd to tell us, tho' they could not make a King, they knew how to obey him. What Loyal Subjects those Gentlemen afterwards prov'd, comes in the next Place to be consider'd.

King *James* having abdicated the Government (as you have heard) fled away to his good Friend and Ally the *French* King, who had a particular Kindness for him, and not only took care of him the remaining part of his Life, but promis'd his *Good-will should not cease with his Death* ; (but that by the by) the King (whose Interest was the same with that of his new Guest)

did not design to put him off with fair Words, but forthwith sent him away, with all necessary Accommodation to head his Popish Subjects in *Ireland*, who stood in Arms ready to receive him.

’Tis not my Design to write an History of that, or any other of the Wars ; every body knows how that War ended, to the Eternal Honour of King *William* ; and the Battle of the *Boyne* will never be spoke of, but as one of the most glorious Actions of the last Century.

The *French* King having thus assisted King *James*, there was no great Doubt to be made but that he had broken Peace with us : Neither did it deserve long Consideration, whether a War should be declar’d against him. Accordingly a War is proclaim’d, in which the Parliament then in Being, as all other succeeding Parliaments seem’d heartily to concur ; this appear’d by their repeated Votes, that they would stand by their Majesties with their Lives and Fortunes, to reduce the *exorbitant* Power of *France* (a Word much in vogue in those Days) and had they been as good as their Word, in all humane Probability there might have been a speedy End of the Quarrel, and the Nation not so soon have been troubled with a succeeding War. But such was the Fate of that unhappy, tho’ best of Kings, that he met with little else but fair Promises. For even the Land-Tax was hardly past at the time, when he ought to have been at the Head of his Armies. This the Enemy knew how to make so good Advantage of, that little else besides the Burthen of a War, came to our Share. It may be worth while to enquire a little into this unaccountable Conduct, which

which has brought so much Misery and Distress on these Nations.

In the first Place then it may be observ'd, that if a Prince happens to ascend the Throne, who has not the Fortune to be in the good Graces of the Tories; the Tories from that very time commence the veriest Whiggs in Nature. Thus it came to pass that no Money-Bill must pass till Grievances were first enquir'd into. If none happen'd to appear, they must seek out till they ~~found~~ some; if they dispair'd of finding any, then something must be mended in the Constitution. 'Tis to this splenatrick Temper of the Tories, that we owe several good Laws, such as that for regulating Tryals in High-Treason; that for Triennial Parliaments; had they been Annual, the Subjects Estates might probably have been less incumbred; so that upon these Considerations, a Man would be tempted to wish that the Tories might for ever remain out of Humour: But the unlucky Mistake of these Gentlemen has been, to be ever most sollicitous for the Subjects Liberty, when it has been least invaded. *Straining at Gnats, and swallowing Camels.* Thus, those who with a quiet serene Countenance, could look on and see the Lord *Russell* suffer for High-Treason, when Misprision was the utmost could be laid to his Charge; could see *College* hurry'd away to Tryal, and deny'd those Papers that were absolutely necessary to the making his Defence; could be content to let a *Scribere est agere* pass for an Overt-act, to cut off the Head of *Algernon Sidney*, could justify Sir *Thomas Armstrong's* suffering for an Out-lawry, before ever

it had taken place ; and many other bloody Enormities of the same kind. These very Men are now all of a sudden so squeamish grown, so tenacious of the Subjects Liberty, that even the Legislature it self must not be allowed the Privilege to supply the Place of a *viva voce* Evidence, clandestinely spirited away, tho' his Depositions be upon Record ; and they themselves believe the Party arraign'd to be every way guilty *.

What can any Man say in Justification of these Proceedings ? A Man had need of the Meekness of *Moses*, to consider them with any tolerable Degree of Patience. But to proceed ;

The King finding what Difficulty there was to get Supplies, and those when given, were for the most part, so out of season, that they serv'd at best but for a defensive War, was forc'd much against his Will to clap up an indifferent Peace, (since no better could be then obtain'd) very well known by the Peace of *Ryswick*. *Charles* the Second, then King of *Spain*, was at that time in a very weak State of Health, and having no Child, 'twas fear'd on his Demise, a fresh War might break out betwixt *France* and the House of *Austria*, in which the Confederates must have been again engag'd. To prevent which, a Partition of the *Spanish* Monarchy was contriv'd, in which a very inconsiderable part was allotted to the House of *Bourbon*, comparatively to what it now enjoys. However, this part was not so inconsiderable, but 'twas thought by the Tories in those Days, it might

* *The Case of Sir John Fennick.*

prove of dangerous Consequence to the Safety of these Kingdoms. Accordingly the said Treaty of Partition was very scurvily us'd, some calling it a felonious Treaty, paying at the same time a profound Compliment to their Sovereign, who had the chief Hand in setting it on foot. But King *Charles* dying about this time, an End was put to this Dispute, and the *French* King, whom the Tories thought to have had too great a Share in the Partition, happen'd not to be of their Opinion; and thereupon thought fit to seize the whole.

The Conduct of the *French* King in this Affair, and the proclaiming the pretended Son of the Deceased King *James*, as King of these Realms, occasion'd the Nation to come into a fresh War. King *William*, who had only time to form some Confederacies in order thereunto, presently after departed this Life. A Prince, whose greatest Misfortune seems to have been, to have been destin'd to govern so perverse and obstinate a People.

I must observe in this Place, that the Tories could never have so effectually defeated the great Designs of this excellent Prince, had they not been joined by some Apostate Whiggs; and as it has been observed, a *Renegado* usually makes the best *Turk*; so these Gentlemen thought they could never do enough to shew the Sincerity of their Conversion.

The Occasion of these Gentlemen's changing Sides, would be no great Difficulty to account for; a white Staff, a gold Key, and the Privy Seal, some thought would have set all Matters to rights, but I shall waste no longer

time on such Mercenary Wretches.

The King being dead, Queen *Anne* ascends the Throne, and as her Predecessor had begun to form Alliances, the Queen proceeds in the same Steps; accordingly the then Earl of *Marlborough* is sent over into *Holland*, both to confirm old Treaties, and to make new ones. War is proclaimed against *France* and *Spain*. Addresses are made by both Houses of Parliament, that no Peace should be made till the whole Monarchy of *Spain* be restored to the House of *Austria*; the Answers from the Throne are all concurring with these Addresses. So absolutely necessary was it thought in those Days, in order to the Welfare and Safety of these Kingdoms, *That no Part of the Spanish Monarchy should remain in the House of Bourbon.*

We will now examine a little into the Conduct of the Whigs, and see how they behav'd themselves in this second War. The Whigs were so far from imitating what the Tories had done before them, in retarding Supplies, &c. That tho' they had little or no Expectation of coming into Places of Preferment, or being Court-Favourites; they heartily and unanimously join'd in raising Money. And thus it came to pass, that the Land-Tax, which seldom past before *April* or *May* in the former War, whilst the Tories clogg'd the Wheels, was now generally speaking, past into a Law before *Christmas*. This speedy giving of Money met with an answerable Success, to the Wonder and Astonishment of all the World; so that the Glory of Her Majesty's Arms, and the Conduct of her renowned General was a Subject in every Body's Mouth.

The Whiggs had so well recommended themselves to Her Majesty's Favour by their faithful Services, that she thought fit to take some of them into considerable Places of Trust and Honour. This the Tories beheld with such an invidious Eye, that they not only lost all manner of Patience, but even their Loyalty to boot, for in a scandalous Libel, call'd, *The Memorial of the Church of England*, after having falsely and maliciously insinuated the Church to be in Danger; they are pleas'd to tell us, *That Nature will rebel against Principle*: Very fine indeed! and is all your boasted Loyalty come to this at last? What publick Grievances can you complain of? Is there any thing else besides want of Power to do Mischief that troubles you? Had the Nation ever a fairer Prospect of Felicity, than when assisted by the Councils of that faithful, wise and vigilant Ministry? A Ministry that struck Terror into our Enemies, whilst it gave just Satisfaction to all our Allies. Did ever the British Arms shine with so bright a Lustre, as when under the Command of a General, whose Worth is spoken of in all Languages of the World, save that of his own Country? A General that had spread abroad the British Fame in Countries, which had scarce ever heard the Name of *Britain*.

Were I dispos'd to write a Panegyrick on this great Man, or did he need it, I should not doubt to prove, that neither the *Edwards* nor the *Henrys* ever brought such Glory to their native Country; nor *Rome* it self with all her boasted Commanders, ever ow'd more to the greatest of them all. Their Triumphs were indeed

deed adorn'd with Captive Kings, and with the Spoils of Nations more innocent than themselves! Whilst injur'd Virtue and the just Rights of Mankind, are set at Liberty by the Duke of *Marlboroug_b*.

I could inlarge much farther on this Subject, did not the Stupidity of the Times prevent me; but 'tis to be hop'd, an unborn Generation may arise, that may blush at their Fore-fathers Behaviour, notwithstanding the Calumny of a Mercenary *Examiner*.

Thus far have I gone with the Tory-Conduct, which I hope they will take to be a very modest Account of their Proceedings; I am sure they must do so, if they compare it with some other Conduct they have oblig'd the World with; but if they think otherwise, they may please to take notice, there are several other Particulars I could have added to the Bill; such as the selling of *Dunkirk*, the breaking the Triple League, the shutting up of the *Exchequer*, the advising the two *Dutch* Wars, so prejudicial to the Civil and Sacred Rights of *Europe*; the delivering up of Charters, with some other modern Items, which they may possibly here of hereafter.

But I must now return to the Clergy, whom I left getting down the Oaths as well as they could; some of them having found *Salvo's* this way, some another. But there were some such squeamish Consciences (as I observ'd) that no buttering would make them go down. These, tho' not very considerable for their Numbers, were very much so in their own Opinion; for they took upon them to call themselves the only

ly true Orthodox Church of *England*, accounting the rest of the Episcopacy to be Schismatics, as well as the Dissenters.

A great Deference was paid to these Non-jurors. Some accounting them a sort of Petty-martyrs, the Generality of the Function spoke very favourably of them ; some courted them, in order to their having two Strings to their Bow ; they might as well have consider'd what becomes of those that sit between two Stools. But how honest soever their Principles were, I am sure their Practices were none of the best. Some of them having taken upon them to absolve the Assassins of King *William*, tho' they never acknowledged their Crime, or shew'd any Signs of Repentance. Many of those that had taken the Oaths, appear'd with less Honesty than those that had refus'd them. Some of them openly confessing they had sworn against their Consciences, and hoped for a fair Opportunity of undoing what they had done. Others had recourse to the mean Shifts of *de jure*, and *de facto*. There was one Point, in which the Generality of them seem'd to agree, and that was in a hearty Dislike to the present Government.

In those Days Passive-Obedience was as much out of Fashion, as it had been in vogue in the former Reigns. For where-ever a King resolves to govern by Law, this Doctrine is altogether useless and unprofitable.

There had been a Custom among the Clergy, that when they pray'd for the King in their Pulpits, they us'd to stile him ; *Over all Orders and Degrees of Men, as well Ecclesiastical as Civil, Supreme Moderator and Governor* ; this Form of

Speech began now to be laid aside, and indeed has never since been taken up, but by a few inconsiderable Low Church-men.

The Diffuse of this customary way of Praying (especially at this time) may probably let us into part of the Secret of Mr. *Lesley's* Business with a certain Young Man abroad. But you that are concern'd in that Affair, take care you are not deceiv'd, and that instead of gaining an Independency from the State, and larger Privileges than what you now have, you do not totally lose what you now possess.

You may remember how well the pretended Father kept his Word with you, and you cannot forget how well you kept your Word with him; and you may be sure the Pretended Son has had too true a Character of you, ever to place any great Confidence in you.

Besides, I must tell you, I never had any great Opinion of Ecclesiastical Bargains, since a certain Story I heard some Years ago. 'Twas a little before the Time of your Friend King *James's* taking his Leave of you, when a certain Number of Bishops waited on the King, offering him their Advice, which he was very ready to accept. The Matters of Complaint were the Ecclesiastical Commission, Dispensations, *Magdalén College*, the Jesuit Schools, &c. all selfish. Now 'twas observ'd, that if the Bishops had taken with them some of the Inn-keepers of *Brandford*, they would have told them there was a certain Army at *Hounslow Heath*, which was no less troublesome to them, than the not filling up the vacant Sees could be to the other.

I must likewise let you know, the late Advances you have made towards Popery will not do your Business, unless you go a little farther: For to tell us the Neceſſity of Auricular Confefſion, and the Priestly Absolution, with the Conceit of the Sacrifice of the Mass (tho' these may be pretty gainful Doctrines) will not do without taking the Remainder of that Idolatrous Worship along with you. But I cannot forbear remarking in this place, that if your Predeceſſors of the Lower House of Convocation in King William's Convention Parliament, would have vouchſafed as much Civility at that time to the Difſenters, as has been ſince ſhewn to those of the Romiſh Communion, you would not have found many of them to have rail'd at: But as *Nolumus Leges Anglie mutare*, was then the Text, I hope you will now think fit to ſtick to it.

I do not ſay, that the Body of the Clergy are conſenting to theſe Popiſh Tenents, any more than to the Rebaptiſation lately practiſ'd at Exeter; but I ſhould be glad to know why the Learned Dr. Smalridge or Dr. Atterbury have not thought fit to exerciſe their Pens in order to put a ſtop to theſe Innovations; or whether the latter does not think the *Faith that was once deli-ver'd to the Saints*, as well worth contending for, as the Rights of the Lower House of Convocation. As little do I design those juſt Reſections that have fallen on a Part, ſhould attack the Clergy in general. I am very well auſſured there are many worthy Members of that Venerable Society, and am as much grieved that theſe ſhould happen to be the Men the moſt unwor-thily

thily treated ; not to mention that profligate Writer that comes out twice a Week, who thinks he has Authority given him to abuse those in the highest Station. There are other Marks of Disrespect too evident, that he that runs may read them.

The Man that preaches the Gospel with the greatest Plainness and Purity, has but a thin Congregation, compar'd with him who has a good Faculty at Railing and Reviling. The Truth is, since a certain eminent Doctor has brought this Pulpit-railing into fashion, there's scarce any thing else will go down. Men take little relish in a Sermon now-a-days, unless they can hear their Neighbours abus'd ; as if going to Church was for no other End but to learn to hate and speak evil one of another.

Tho' this be an inexcusable Fault in the Hearers, the Crime is much greater in those that have us'd them to it. *It is impossible but that Offences will come, but woe unto him through whom they come.*

This Method does directly tend to destroy the second great Command, *Thou shalt love thy Neighbour as thy self*, and the fulfilling of the first depends upon the keeping of the second ; for thus St. John argues, *If a Man say, I love God, and hateth his Brother, he is a Liar ; for he that loveth not his Brother whom he hath seen, how can he love God whom he hath not seen ?* So that by this way of Preaching, and the Peoples practising, the greatest Benefit that ever was done to Mankind is like to come to nought ; and the worst Religion would have serv'd these Men as well as the best. This is a very sad Consideration, but too true not to be taken notice of.

I shall now draw to a Conclusion, having in a manner finish'd what I design for the present. I have shewn in the first place what is the true Form of our *English* Government, in which I have made use of the best Helps I could get; so that if I have been guilty of any Mistake, I have deriv'd it from those who knew much better than my self; having had an eye both to justify what was acted at the Revolution; and to defend her present Majesty's Title against all such who shall set up an Indefeasable or Hereditary Right in opposition to it.

I have in the next place given a short Abstract of the *Tory*-Conduct, wherein I have us'd neither Art nor Aggravation: Had I been dispos'd to have enlarg'd on sundry Particulars, this might have swell'd to a large Volume. I could have shewn, that the old *Tory* Principles are altogether inconsistent with the publick Good of these Kingdoms; and should they ever take place, will in all probability prove the Ruin of Prince or Constitution. But this, with some other Matters, may be the Subject of another Treatise.

I shall not now offer such an Affront to my Reader's Judgment, as to ask him which Party he thinks have behav'd themselves most like free-born Subjects, which is the Case of us Subjects; or have been freest from breaking into the fundamental Laws of our Constitution, or promoted Innovations. Nor would I have him think I have any Intent to enlarge the Breaches that are between us; God knows they are wide enough already. No, I would beg the Favour only of those who are so free at casting Stones, to examine

mine whether they are without fault themselves ; and that in the mean time they would cease to revile and calumniate those of their Country-men, who without any great Compliment may pretend to as much Honesty as themselves.

The Reader may likewise take notice (if he pleases) that what has been here related for the space of the last thirty Years, comes almost all within my own Remembrance, which is a better Authority to me than all the Records and *Vaticans* in the World.

If I have been mistaken in any material Point, I shall be obliged to any candid Writer that will set me right. But as to such who think to put me off with their scurrilous *Examiner*, be it known to them, I shall think my self no more oblig'd to regard him, than I am to turn my Face to the Fumes of a Common Shore.

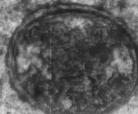
I am too well assured that this uncharitable Spirit that is gone forth into the Nation, and has been so industriously fomented of late, must (if not check'd by Almighty God) in a short time be the Ruin of the whole ; this is a Crime that carries its own Punishment along with it, *A Kingdom divided against it self cannot stand.* If ye bite and devour one another, take heed that ye be not consumed one of another. Let no Man delude himself with a present Security, and say, *Peace, Peace*, when there is no *Peace* ; for God hath said, *There is no Peace to the Wicked.* There is a remarkable Passage in the Prophet *Jeremiah*, which I cannot forbear reciting. It was when the *Egyptians* had rais'd the Siege of the *Chaldeans*, and the People flatter'd themselves with a lasting *Peace*, the Prophet is bid go and tell those of

Jerusalem, Thus saith the Lord, deceive not your selves, saying, the Chaldeans shall surely depart from us: for they shall not depart. For tho' ye had smitten the whole Army of the Chaldeans that fight against you, and there remained but wounded Men among them, yet they should rise up every Man in his Tent, and burn this City with Fire, Jer. 37. 9, 10. I pray God it may not be our own Case, I am very much afraid our Wickedness cries as loud for Vengeance as that of the Jews, and I know not upon what Grounds we can promise our selves Safety, unless upon a Reformation.

For altho' the present Peace should be the most Glorious that ever yet was made, tho' a just Satisfaction has been given to every one of the Allies, as well as a due Regard been had to the Nation's Honour; tho' Commerce be extended from Pole to Pole, and the South Seas become as familiar to us as the North; tho' our Garners may be full, affording all manner of Store, our Sheep bring forth Thousands and Ten Thousands in our Streets; tho' there be no breaking in nor going out, no complaining in our Streets, yet there will still be something wanting to make us happy; and that is, that we live and love as Brethren, that whenever a final Decree shall go forth to extirpate this wicked Generation, the want of this Christian Virtue may not render us incapable of being Citizens of a better Country, when all the Governments of the Earth shall be dissolv'd, and Time shall be no more.

Upon this serious Consideration, I cannot better end this Discourse, than with that excellent Collect of our Church, which I desire all that read this heartily to join in.

O Lord, who hast taught us, that all our Doings,
without Charity, are nothing worth; send thy Holy
Ghost, and pour into our Hearts that most excellent
Gift of Charity, the very Bond of Peace, and of all
Virtue, without which whosoever liveth is counted
dead before thee. Grant this for thine only Son Jesus
Christ's sake. Amen.



F I N I S.
